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DASAGROUP HOLDINGS CORP.
d/b/a KICKHASS AVOCADOS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JEFFERIES FUNDING, LLC,

Plaintiff,

v.

DASAGROUP HOLDINGS CORP. (d/b/a
KICKHASS AVOCADOS) and LONDON
FRUIT, INC.,

Defendants.

DASAGROUP HOLDINGS CORP. (d/b/a
KICKHASS AVOCADOS),

Counter- and Cross-Claimant,

v.

JEFFERIES FUNDING, LLC,

Counter-Defendant,

and LONDON FRUIT, INC.,

Cross-Defendant.

Case No. 3:24-cv-05639-TLT

**DEFENDANT/THIRD PARTY
PLAINTIFF'S ADMINISTRATIVE
MOTION FOR LEAVE TO FILE
INSTANTER FIRST AMENDED
THIRD-PARTY COMPLAINT**

ADMIN. MOT. FOR LEAVE TO FILE *INSTANTER* FIRST AM. THIRD PARTY COMPLAINT

DASAGROUP HOLDINGS CORP. (d/b/a
KICKHASS AVOCADOS),

Defendant/Third-Party Plaintiff,

v.

SILO TECHNOLOGIES, INC.,

Third-Party Defendant.

Pursuant to Civil Local Rule 7-11, Defendant/Third Party Plaintiff Dasagroup Holdings Corp. (“Dasagroup”) submits this unopposed Administrative Motion For Leave to File *Instante* Dasagroup’s First Amended Third Party Complaint (Dkt. 79), which, due to technical difficulties, was submitted at 12:01 a.m. early this morning. Good cause exists for this request for leave to file the document *instante* due to the circumstances set forth below and in counsel’s accompanying declaration.

Background

On the late evening of March 18, 2025, while attempting to attach a documentary exhibit to the amended third-party complaint to be filed by Dasagroup against third-party defendant Silo Technologies, Inc., counsel’s PDF software unexpectedly froze and delayed the filing past the midnight deadline. Moya Decl. ¶ 3. Counsel for third-party defendant Silo was subsequently advised of the late-filing by email, and, to avoid any conceivable prejudice to Silo by the delayed filing past the midnight deadline, counsel for Dasagroup offered to stipulate to an extra day for Silo to file any responsive pleading in response to the amended third-party complaint. Counsel for Silo has agreed to accept this offer and does not oppose this motion for leave to allow the late filing. *Id.* ¶ 4 & Exh. A.

Argument

Good cause exists to grant this motion. As explained above, the two-minute delay in failure to file before the midnight deadline on March 18 was due to a technical issue that arose with respect to counsel’s PDF software. *Id.* ¶ 3. Counsel worked diligently to complete and file the voluminous amended pleading as soon as possible (which was due on the same day as

ADMIN. MOT. FOR LEAVE TO FILE *INSTANTE* FIRST AM. THIRD PARTY COMPLAINT

1 another amended pleading that was timely filed, see Dkt. 78), but counsel was unable to meet the
2 midnight deadline due to the software glitch that prevented the exhibit from being attached to the
3 final filing. To avoid any further delay, counsel forced-quit the PDF application and filed the
4 document as soon as his computer became responsive again. The submitted filing — which was
5 filed at 12:01 a.m. — did not include the intended exhibit to the amended pleading, but the
6 amended pleading was filed without the exhibit to avoid any further delay. (The missing exhibit
7 is available via a public URL referenced in the amended pleading and also has already been
8 attached as an exhibit to a different pleading that Dasagroup had timely filed minutes earlier.)

9 Silo would not be prejudiced by granting this motion. Dasagroup has offered to provide
10 an additional day for any responsive pleading deadline, and counsel for Silo has accepted that
11 offer. *Id.* ¶¶ 4-5. Conversely, Dasagroup will be severely harmed and prejudiced if the Court
12 does not allow the filing of its First Amended Third Party Complaint, as it would prevent
13 Dasagroup from obtaining the full relief it seeks in this action and would not permit an
14 adjudication on the merits of the dispute. *Id.* ¶ 6. Dasagroup does not believe that this
15 modification would adversely impact the Court's schedule, as allowing the additional day on a
16 responsible pleading would not unduly compact any briefing schedule if Silo attempts to
17 challenge the filing via a further pleadings motion. *Id.* ¶ 7. This motion is made in good faith
18 and not for any improper purpose. *Id.* 8.

19 Plaintiff believes the above circumstances present good cause justifying the requested
20 relief, and counsel respectfully requests that the Court grant this motion for leave to file the
21 document *instanter* despite the one-day late filing.

22 Conclusion

23 For these reasons, Dasagroup. respectfully requests that the Court grant Plaintiff's motion
24 and enter an order as follows: (i) granting Dasagroup leave to file its amended third party
25 complaint *instanter* and (ii) extending the deadline for Third-Party Defendant Silo to file any
26 responsive pleading by one additional day past any applicable deadline for a responsive pleading
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ADMIN. MOT. FOR LEAVE TO FILE *INSTANTER* FIRST AM. THIRD PARTY COMPLAINT

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2 Dated: March 19, 2025

Respectfully submitted,
MOYA LAW FIRM

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4 */s/ Mario A. Moya*

Mario A. Moya

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6 Attorneys for Defendant/Third Party Plaintiff
DASAGROUP HOLDINGS CORP.
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